IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

PAUL R. GADBURY,

        Plaintiff,

        v.   No. CV 16-1387 JB/LAM

JUDGE LISA B. RILEY, et al.,

        Defendants.

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b), AND TO MAKE PAYMENTS OR SHOW CAUSE

THIS MATTER is before the Court on the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (*Doc. 2*) filed by Plaintiff Paul R. Gadbury on December 20, 2016. Because the Court grants the application, the filing fee for this civil rights complaint is **$350.00**. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Based on analysis under § 1915(b)(1) of Plaintiff's six-month inmate account statement (*Doc. 4*), the Court finds that Plaintiff owes an initial partial payment of **$58.29**. If Plaintiff fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint **may be dismissed without prejudice without further notice.**

    IT IS THEREFORE ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed by Plaintiff Paul R. Gadbury on December 20, 2016. (*Doc. 2*) is **GRANTED**;

IT IS FURTHER ORDERED that, **within thirty (30) days of entry of this Order**, Plaintiff send to the Clerk an initial partial payment of **$58.29** or show cause why payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the $58.29amount of the initial partial payment;

IT IS FURTHER ORDERED that, after payment of the $58.29 initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.

Lourdes a. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE